

REMARKS

Claims 1, 28, 38, 46, 51, 60, 71 and 76-80 are pending in the present application.

Claims 60 and 80 are withdrawn as being drawn to non-elected subject matter.

Claims 2-27, 29-37, 39-45, 47-50, 52-59, 61-70, 72-75, and 81-84 are canceled without prejudice.

Rejections Based on 35 U.S.C. §112, 2nd Paragraph.

Claim 77 stands rejected for indefiniteness due to the inadvertent omission of a numerical percentage. In response, claim 77 has been amended to insert "85 %" between "not more than" and "by weight" in the 4th to 5th lines of the claim, as suggested by the Examiner. Support is found on page 11, line 1. No new matter is added. Withdrawal of this rejection appears to be in order.

Rejections Based on Obviousness-Type Double Patenting.

Claims 1, 28, 38, 46, 51,, 71 and 76-79 stand rejected for alleged obviousness-type double patenting over claims 1-26 of U.S. Patent No. 7,041,150 (the '150 patent). This rejection is traversed.

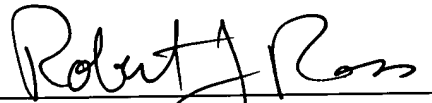
The present claims call for introducing a metal halide vapor (e.g., TiCl_4) into an excess of reducing metal (e.g., sodium) so that the heat of reaction produced by reduction of the metal halide to a metal (e.g., Ti) is sufficient to boil away any excess reducing metal that is present. Sodium boils at 1156 °C. The lowest boiling alkali metal is Cs (944 °C). For alkaline earth metals, the lowest boiling is Mg (1363 °C). Accordingly, the processes of the present claims are performed at a temperatures of at least 944 °C if Cs were used as the reducing metal and at least 1156 °C if sodium is used. In contrast, the process described in the '150 patent, while utilizing an excess of reducing metal, is not performed at temperatures sufficient to boil the reducing metals, since the specification describes the resulting reactions products to be in the form of a slurry comprising particles of metal and salt in excess liquid reducing metal (see col. 2, lines 45 to 52). This is achieved by using a large excess of reducing metal (e.g., 20 to 50 times) so that the temperature remains well below the boiling point of the liquid reducing metal (see e.g., col. 3, lines 35-52).

Nothing in the '150 patent teaches or suggests the presently claimed methods in which the amount of excess reducing metal is such that the temperature reaches the boiling point of the reducing metal. To do so would be contrary to the teachings of the '150 patent, which indicates the produced metal is present as a slurry in the liquid reducing metal at the end of the process. Accordingly, withdrawal of this rejection is warranted.

In view of the foregoing, reconsideration and allowance of claims 1, 28, 38, 46, 51, 71 and 76-79 are solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Robert J. Ross", written over a horizontal line.

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